

Washington, DC — This week, Congressman Joe Sestak (D-PA) voted for the Lilly Ledbetter Fair Pay Act. This bill rectifies the Supreme Court decision in *Ledbetter v. Goodyear* that made it much harder for workers to pursue pay discrimination claims. — “This bill will help workers who have suffered discrimination and hopefully prevent it from occurring,” said the Congressman, “To put an arbitrary limit on when employees can file charges regarding discrimination places an unfair burden on the employees who may not be aware of their rights. This is an easy thing for us to fix and we need to do that now.”

In May, the Supreme Court handed down a 5-4 decision, *Ledbetter v. Goodyear*, which makes it much harder for workers to pursue pay discrimination claims. The Court ruled that since Lilly Ledbetter, a long-time employee of Goodyear, had not filed her charge of pay discrimination within 180 days of her employer’s decision to pay her less, she could not receive any relief.

This bill simply restores the standard interpretation of Title VII of the Civil Rights Act. Under precedent and the interpretation of the EEOC, every paycheck resulting from an earlier discriminatory pay decision is considered a violation of the Civil Rights Act. Therefore, as long as a worker files within 180 days of a discriminatory paycheck, their charges are considered as timely.

If allowed to stand, this Supreme Court decision would severely limit the rights of employees who have been discriminated against in pay, on the basis of sex, race, color, national origin or religion. The Supreme Court ruling limits the ability of workers to sue companies for pay discrimination would dramatically reorder the legal landscape for workers and employers – significantly disadvantaging workers.

Contrary to opponents’ claims, the bill does not eliminate the statute of limitations. Under this bill, an employee must still file a charge within the statutory filing period after receiving a discriminatory paycheck. Moreover, employees have no incentive to sit on their rights. The bill maintains Title VII’s limitation of two years for back pay recovery. The longer an employee waits, the more back pay is rendered unrecoverable.

The bill provides that its clarification on discriminatory pay violations under the Civil Rights Act also applies under other statutes as well. The bill makes clear that every paycheck resulting, in whole or in part, from an earlier discriminatory pay decision in addition to constituting a violation

of Title VII of the Civil Rights Act, also constitutes a violation of the Americans with Disabilities Act, the Rehabilitation Act, and the Age Discrimination in Employment Act.

Earlier this year Congressman Sestak cosponsored Paycheck Fairness Act. He has also advocated for other priorities for women, including supporting increased funding for Department of Defense peer-reviewed breast cancer research program and supporting full funding for Violence Against Women Act (VAWA) programs in the Department of Health and Human Services and Department of Justice.

Congressman Sestak worked hard to bring fairness to the workplace, particularly for women. As the Vice Chair of the Small Business Committee and as a Member of the Subcommittee on Contracting and Technology, Congressman Sestak joined Chairwoman Nydia Velazquez and Congressman Bruce Braley in holding a hearing on July 23rd on the state of women-owned businesses in federal government contracting, as well as two panels on working women. In 1994, through the Federal Acquisition Streamlining Act (FASA), Congress established a statutory goal of not less than five percent of the total value of all Federal Government prime contract and subcontract awards for each fiscal year going to women-owned small businesses. While federal contract dollars has been increasing, it is still well short of the five percent statutory goal. Additionally, despite its enactment in 2000, the SBA has failed to implement the Women's Procurement Program, which would significantly increase the likelihood that women-owned companies would receive government contract awards.

Additionally the Congressman voted for the Small Business Administration (SBA) Women's Business Programs Act. This allows the SBA to provide financial assistance to private nonprofit organizations to conduct projects for the benefit of women-owned small businesses. The projects would provide financial assistance — including how to apply for and secure business credit and investment capital — management assistance, and marketing assistance. The bill revises the federal matching system the SBA uses to fund women business ownership centers, that serve communities with a high proportion of socially and economically disadvantaged women. Under the new formula, such centers would have to match one non-federal dollar for every two federal dollars received.

Born and raised in Delaware County, former 3-star Admiral Joe Sestak served in the Navy for 31 years and now serves as the Representative from the 7th District of Pennsylvania. He led a series of operational commands at sea, including Commander of an aircraft carrier battle group of 30 U.S. and allied ships with over 15,000 sailors and 100 aircraft that conducted operations in Afghanistan and Iraq. After 9/11, Joe was the first Director of "Deep Blue," the Navy's anti-terrorism unit that established strategic and operations policies for the "Global War on

Terrorism." He served as President Clinton's Director for Defense Policy at the National Security Council in the White House, and holds a Ph.D. in Political Economy and Government from Harvard University. According to the office of the House Historian, Joe is the highest-ranking former military officer ever elected to the U.S. House of Representatives.